

FILED

AUG 19 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

XUE LING WANG,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-72052

BIA No. A77-587-838

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted August 6, 2003
Pasadena, California

Before: **KOZINSKI, T.G. NELSON**, Circuit Judges, and **RESTANI,****
Judge.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Jane A. Restani, United States Court of International Trade, sitting by designation.

Wang did not file a petition for review of the underlying removal order. We therefore lack jurisdiction to review it. See 8 U.S.C. § 1252(b).

The Board of Immigration Appeals did not abuse its discretion, Shaar v. INS, 141 F.3d 953, 955 (9th Cir. 1998), by denying Wang’s untimely filed motion to reopen. New evidence of an already existing circumstance does not constitute a “changed circumstance[] arising in the country of nationality or in the country to which deportation has been ordered.” 8 C.F.R. § 3.2(c)(3)(ii).

DENIED.